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Paper No.

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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JUN 03 2004

OFFICE OF PETITIONS

In re Application of :
Kenneth Gainey, James Proctor, :
John Regnier, Jonathan Hughes, : DECISION ACCORDING STATUS
Stefan Haenggi and Michael Lynch : UNDER 37 CFR 1.47(a)
Application No. 10/601,180 :
Filed: June 20, 2003 :
Attorney Docket No. 2479.2176-001 :
Title: REPEATER FOR EXTENDING RANGE :
OF TIME DIVISION DUPLEX :
COMMUNICATION SYSTEM :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47(a) AND TRANSMITTAL OF DECLARATION," filed April 5, 2004 (certificate of mailing April 1, 2004).

The petition is GRANTED.

The above-identified application was filed on June 20, 2003, without an executed oath or declaration and missing the statutory basic filing fee. Accordingly, on September 2, 2003, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, the filing fee and a surcharge for its late filing. In addition, the Notice required submission of replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is to avoid abandonment.

In response, rule 47 applicants filed the instant petition (and fee); the filing fee; the late surcharge; and a declaration executed by joint inventors Regnier, Haenggi and Lynch on behalf of themselves and on behalf of non-signing joint inventors Gainey, Proctor and Hughes. This response was made timely by an accompanying petition and fee for extension for response within the fifth month. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventors Gainey, Proctor and Hughes refuse to join in the application for patent.

On petition, patent attorney David Thibodeau, Jr. states that the application papers were presented to all of the inventors; however, by their conduct, in not returning executed declarations, inventors Gainey, Proctor and Hughes have refused to join in the application. The petition includes a statement of the last known address of each of the three non-signing inventors.

The declaration filed April 5, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

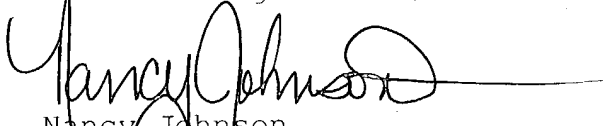
As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Receipt of the formal drawings filed April 5, 2004 is acknowledged.

Receipt of a second declaration filed May 3, 2004 and executed by inventor Lynch is also acknowledged.

The application will be examined in Technology Center 2681 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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MR. KENNETH GAINNEY
441 THRUSH DRIVE
SATELLITE BEACH, FL 32937

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Stefan Haenggi and Michael Lynch :
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Attorney Docket No. 2479.2176-001 :
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COMMUNICATION SYSTEM :

Dear Mr. Gainey:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


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Mr. James A. Proctor, Jr.
258 Sea View Street
Melbourne Beach, FL 32951

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Attorney Docket No. 2479.2176-001 :
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Dear Mr. Proctor:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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4070 Careywood Drive
Melbourne, FL 32934

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Title: REPEATER FOR EXTENDING RANGE: :
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COMMUNICATION SYSTEM :

Dear Mr. Hughes:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6882 (outside the Washington D.C. area).


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